



11/6/96
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Aerts

Examiner: E. Whisenant

Serial No.: 08/486,839

Group Art Unit: 1807

Filed: June 7, 1995

Docket: 294-32

For: A HUMAN CHITINASE, ITS
RECOMBINANT PRODUCTION,
ITS USE FOR DECOMPOSING
CHITIN, ITS USE IN THERAPY
OR PROPYLAXIS AGAINST
INFECTION DISEASES

Dated: October 16, 1996

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated September 16, 1996, the Examiner has imposed a
Restriction Requirement to one of the following inventions under the provisions of 35
U.S.C. § 121:

- Group I. Claims 1-14, 22-27, 30-31 drawn to the protein Chitinase and
antibodies against Chitinase, classified in class 530, subclass 350.
- Group II. Claim 15, drawn to a method of treatment using a Chitinase
containing pharmaceutical, classified in class 424, subclass 130.1.
- Group III. Claims 16-18, drawn to a process of preparing Chitinase, classified in
435, subclass 70.1.

I hereby certify this correspondence is being de-
posited with the United States Postal Service as first
class mail, postpaid in an envelope, addressed to:
Assistant Commissioner for Patents, Washington, D.C.

20231 on

October 16, 1996
Dated: Oct. 16, 1996 *U. M. Davis*

Group IV. Claims 19-21, and 28-29, drawn to nucleic acids encoding the protein Chitinase or portions thereof, classified in class 536, subclass 23.1.

The Examiner contends that the inventions are distinct from each other.

In response to the Restriction Requirement, Applicant respectfully traverses the requirement, and provisionally elects the subject matter defined in Group I (i.e., Claims 1-14, 22-27, and 30-31) for the purpose of continued prosecution.

Applicant respectfully traverses the Restriction Requirement with respect to the Group I and Group IV. Applicant respectfully points out that the nucleic acid claimed in Group IV uniquely encodes the Chitinase proteins of Group I, and no other proteins. The claims of Group I and Group IV should, therefore, be grouped together because if one searches for a recombinant Chitinase any art found should also disclose the nucleic acid encoding the recombinant protein. Applicant believes that searching both groups would not be an undue burden on the Examiner. Withdrawal of the Restriction Requirement as to Groups I and IV is respectfully solicited.

In view, therefore, of the present election and traversal, it is firmly believed that this application is in condition for further consideration and examination, and passage to allowance as the examination allows.

Respectfully submitted,



Lindsay S. Adams
Reg. No. 36,425
Attorney for Applicant

HOFFMANN & BARON
350 Jericho Turnpike
Jericho, NY 11753
(516) 822-3550
LSA:JHT:aml